

## **DEPARTMENT OF TRANSPORTATION (DOT)**

### **Introduction: Department Overview**

DOT has statutory responsibility for a wide range of regulations. For example, DOT regulates safety in the aviation, motor carrier, railroad, motor vehicle, commercial space, transit, and pipeline transportation areas. The Department also regulates aviation consumer and economic issues, and provides financial assistance and writes the necessary implementing rules for programs involving highways, airports, mass transit, the maritime industry, railroads, and motor transportation and vehicle safety. Finally, DOT has responsibility for developing policies that implement a wide range of regulations that govern programs such as acquisition and grants management, access for people with disabilities, environmental protection, energy conservation, information technology, occupational safety and health, property asset management, seismic safety, security, and the use of aircraft and vehicles. The Department carries out its responsibilities through the Office of the Secretary (OST) and the following operating administrations (OAs): Federal Aviation Administration (FAA); Federal Highway Administration (FHWA); Federal Motor Carrier Safety Administration (FMCSA); Federal Railroad Administration (FRA); Federal Transit Administration (FTA); Maritime Administration (MARAD); National Highway Traffic Safety Administration (NHTSA); Pipeline and Hazardous Materials Safety Administration (PHMSA); and St. Lawrence Seaway Development Corporation (SLSDC).

### **The Department's Regulatory Philosophy and Initiatives**

The Department's highest priority is safety. To achieve our safety goals responsibly and in accordance with principles of good governance, we embrace a regulatory philosophy that emphasizes transparency, stakeholder engagement, and regulatory restraint. Our goal is to allow the public to understand how we make decisions, which necessarily includes being transparent in the way we measure the risks, costs, and benefits of engaging in—or deciding not to engage in—a particular regulatory action. It is our policy to provide an opportunity for public comment on such actions to all interested stakeholders. Above all, transparency and meaningful engagement mandate that regulations should be straightforward, clear, and accessible to any interested

stakeholder.

At DOT, transparency and stakeholder engagement take a number of different forms. For example, we publish a monthly report on our website that provides a summary and the status for all significant rulemakings that DOT currently has pending or has issued recently (<https://www.transportation.gov/regulations/report-on-significant-rulemakings>). This report provides the public with easy access to information about the Department's regulatory activities that can be used to locate other publicly-available information in the Department's regulatory docket at [www.regulations.gov](http://www.regulations.gov), or in the **Federal Register**.

We also seek public input through direct engagement. For example, we recently published a request asking the public to help us identify the continued necessity of existing guidance documents and determine whether they need to be updated or revised, *Notice of Review of Guidance*, 84 FR 1420 (Feb. 5, 2019). In response, we received comments proposing dozens of ideas and are currently undertaking a comprehensive review of these comments. DOT also has a long history of partnering with stakeholders to develop recommendations and consensus standards through advisory committees. Some committees meet regularly to provide advice, while others are convened on an *ad hoc* basis to address specific needs. Each OA, as well as OST, has at least one standing advisory committee.

The Department's regulatory philosophy also embraces the notion that there should be no more regulations than necessary. We emphasize consideration of non-regulatory solutions and have rigorous processes in place for continual reassessment of existing regulations. These processes provide that regulations and other agency actions are periodically reviewed and, if appropriate, are revised to ensure that they continue to meet the needs for which they were originally designed, and that they remain cost-effective and cost-justified.

For example, DOT regularly makes a conscientious effort to review its rules in accordance with the DOT Order 2100.6 (Policies and Procedures for Rulemaking), Executive Order (E.O.) 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and section 610 of the Regulatory Flexibility Act. The Department follows a repeating 10-year plan for the review of existing regulations. Information on the results of these

reviews is included in the Unified Agenda.

In addition, through three new Executive orders, President Trump directed agencies to further scrutinize their regulations and other agency actions. On January 30, 2017, President Trump signed Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs. Under section 2(a) of the Executive order, unless prohibited by law, whenever an executive department or agency publicly proposes for notice and comment or otherwise promulgates a new regulation, it must identify at least two existing regulations to be repealed. On February 24, 2017, President Trump signed Executive Order 13777, enforcing the Regulatory Reform Agenda. Under this Executive order, each agency must establish a Regulatory Reform Task Force (RRTF) to evaluate existing regulations, and make recommendations for their repeal, replacement, or modification. On March 28, 2017, President Trump signed Executive Order 13783, Promoting Energy Independence and Economic Growth, requiring agencies to review all existing regulations, orders, guidance documents, policies, and other similar agency actions that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources.

In response to the mandate in Executive Order 13777, the Department formed an RRTF consisting of senior career and non-career leaders, which has already conducted extensive reviews of existing regulations, and identified a number of rules to be repealed, replaced, or modified. As a result of the RRTF's work, since January 2017, the Department has issued deregulatory actions that reduce regulatory costs on the public by at least \$3.07 billion (in net present value cost savings). Even when the costs of significant regulatory actions are factored in, the Department's deregulatory actions still result in over \$2.9 billion in net cost savings (in net present value). With the RRTF's assistance, the Department has achieved these cost savings in a manner that is fully consistent with enhancing safety.

The Department has also significantly increased the number of deregulatory actions it is pursuing. Today, DOT is pursuing over 130 deregulatory rulemakings, up from just 16 in the fall of 2016.

The RRTF continues to conduct monthly reviews across all OAs to identify appropriate

deregulatory actions. The RRTF also works to ensure that any new regulatory action is rigorously vetted and non-regulatory alternatives are considered. Further information on the RRTF can be found online at: <https://www.transportation.gov/regulations/regulatory-reform-task-force-report>. The priorities identified below reflect the RRTF's work to implement the Department's focus on reducing burdens and improving the effectiveness of all regulations.

### **The Department's Regulatory Priorities**

Four fundamental principles – safety, innovation, enabling investment in infrastructure, and reducing unnecessary regulatory burdens – are our top priorities. These priorities are grounded in our national interest in maintaining U.S. global leadership in safety, innovation, and economic growth. To accomplish our regulatory goals, we must create a regulatory environment that fosters growth in new and innovative industries without burdening them with unnecessary restrictions. At the same time, safety remains our highest priority; we must remain focused on managing safety risks and be sure that we do not regress from the successes already achieved. Accordingly, the regulatory plan laid out below reflects a careful balance that emphasizes the Department's priority in fostering innovation while at the same time meeting the challenges of maintaining a safe and reliable, transportation system.

*Safety.* The success of our national transportation system requires us to remain focused on safety as our highest priority. Our Regulatory Plan reflects our commitment to safety through a balanced regulatory approach. Our goals are to deliver safety more efficiently and at a lower cost to the public by looking to market-driven solutions first.

*Innovation.* Every mode of transportation is affected by transformative technology. Whether automation, unmanned vehicles, or other emerging technologies, we are looking forward to new and promising frontiers that will change the way we move on the ground, in water, through the air, and into space. Our regulatory plan reflects the Administration's commitment to fostering innovation by lifting barriers to entry and enabling new and innovative uses of transportation technology.

*Enabling investment in Infrastructure.* The safe and efficient movement of goods and

passengers requires us not just to maintain, but to improve our national transportation infrastructure. But that cannot happen without changes to the way we plan, fund, and approve projects. Accordingly, our Regulatory Plan prioritizes regulatory action that streamlines the approval process and facilitates more efficient investment in infrastructure, which is necessary to maintain global leadership and foster economic growth.

*Reducing unnecessary regulatory burdens.* Finally, our Regulatory Plan reflects our commitment to reducing unnecessary regulatory burdens. Our priority rules include some deregulatory actions that we identified after a comprehensive review of all of the Department's regulations. The Plan also reflects our policy of thoroughly considering non-regulatory solutions before taking regulatory action. When regulatory intervention is necessary, however, it is our policy to rely data-driven and risk-based analysis to craft the most effective and least burdensome solution to the problem.

This Regulatory Plan identifies pending rulemaking areas that reflect the Department's commitment to safety, innovation, infrastructure, and reducing burdens. For example:

- FAA will focus on regulatory activity to enable, safely and efficiently, the integration of unmanned aircraft systems (UAS) into the National Airspace System (NAS), and to enable expanded commercial space activities.
- NHTSA will focus on maintaining and advancing safety while reducing regulatory barriers to technology innovation, including the development of automated driving system technologies, and updating regulations on fuel efficiency.
- FMCSA will focus on changes to the hours of service regulations that would improve operational flexibilities for motor carriers consistent with safety.
- FRA will continue to focus on providing regulatory relief through a rulemaking that would provide relief from various brake-related regulations, including single car air brake tests, end-of train devices, helper service, brake maintenance, and the time that freight rail equipment can be "off-air" before requiring a new brake inspection.
- FTA will continue to focus on its statutorily-mandated efforts to establish a comprehensive Public Transportation Safety Program to improve the safety of public transportation systems.

- PHMSA will focus on pipeline safety as well as the movement of hazardous materials across multiple modes of transportation.

At the same time, all OAs are prioritizing their regulatory and deregulatory actions accordance with Executive Orders 13771 and 13563, to make sure they are providing the highest level of safety while eliminating outmoded and ineffective regulations and streamlining other existing regulations in an effort to promote economic growth, innovation, competitiveness, and job creation. Since each OA has its own area of focus, we summarize the regulatory priorities of each below.

### **Office of the Secretary of Transportation**

OST oversees the regulatory process for the Department. OST implements the Department's regulatory policies and procedures and is responsible for ensuring the involvement of senior officials in regulatory decision making. Through the Office of the General Counsel, OST is also responsible for ensuring that the Department complies with the Administrative Procedure Act, Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), Executive Order 13771, Executive Order 13777, Executive Order 13873 (Promoting Energy Independence and Economic Growth), DOT's Regulatory Policies and Procedures, and other legal and policy requirements affecting rulemaking. In addition, OST has the lead role in matters concerning aviation economic rules, the Americans with Disabilities Act, and rules that affect multiple elements of the Department.

OST provides guidance and training regarding compliance with regulatory requirements and process for personnel throughout the Department. OST also plays an instrumental role in the Department's efforts to improve our economic analyses; risk assessments; regulatory flexibility analyses; other related analyses; retrospective reviews of rules; and data quality, including peer reviews. The Office of the General Counsel is the lead office that works with the Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs (OIRA) to comply with Executive Order 12866 for significant rules.

OST also leads and coordinates the Department's response to OMB's intergovernmental

review of other agencies' significant rulemaking documents and to Administration and congressional proposals that concern the regulatory process. The Office of the General Counsel works closely with representatives of other agencies, OMB, the White House, and congressional staff to provide information on how various proposals would affect the ability of the Department to perform its safety, infrastructure, and other missions.

Last year, the Department completed a comprehensive revision of its internal procedures for engaging in rulemaking, issuing guidance documents, and conducting enforcement. As a result of this review, the Department has issued a new DOT order on rulemaking, as well as General Counsel's Memoranda on the issuance of guidance documents and enforcement to ensure that the principles of regulatory reform are preserved well into the future and that the Department's regulatory activities remain lawful, transparent, reasonable, fair, and consistent. The Department currently is working on codifying these new processes in regulation.

In Fiscal Year 2020, the Department will continue to work toward issuing an NPRM proposing to establish the applicable regulatory standard for waivers from the Buy America requirement on the basis that a product or item is not manufactured in the United States meeting the applicable Buy America requirement. This rulemaking will streamline and coordinate aspects of the Buy America process across the Department. The Department will also work to reform the regulations concerning the transportation of service animals' onboard aircraft. This rulemaking will address growing instances of fraudulent representation of pets as emotional support animals, while continuing to ensure accessible transportation for individuals with disabilities and safety for the traveling public.

In addition, OST will continue its efforts to help coordinate the activities of several OAs that advance various departmental efforts that support the Administration's initiatives on promoting safety, enabling innovation, investing in infrastructure, and reducing regulatory burdens. OST will also continue to provide significant support to the RRTF's efforts to implement the Department's regulatory reform policies.

## **Federal Aviation Administration**

FAA is charged with safely and efficiently operating and maintaining the most complex aviation system in the world.

During Fiscal Year 2020, FAA's regulatory priorities will be to enable transformative UAS and commercial space technologies by publishing a UAS notice of proposed rulemaking titled "Remote Identification of Unmanned Aircraft Systems" (2120-AL31) and a final rule titled "Streamlined Launch and Reentry Licensing Requirements" (2120-AL17). The FAA will continue to advance the "Small Unmanned Aircraft Over People" (2120-AK85) rule concurrent with Remote Identification. The final "Streamlined Launch and Reentry Licensing Requirements" rule will update and consolidate current regulations contained in four separate parts into a single regulatory part which will provide safety objectives to be achieved for the launch of suborbital and orbital expendable and reusable vehicles, and the reentry of vehicles. Finalizing this proposal will significantly streamline and simplify licensing of launch and reentry operations and will enable novel operations.

Another priority will be to issue the final rule "Recognition of Pilot in Command (PIC) Experience in the Military and in part 121 operations" (2120-AL-03), which would allow pilots with 121 PIC experience prior to July 31, 2013, but who were not serving as a PIC on that date, to count that time toward the 1000-hour experience required to serve as a PIC in part 121 today. More information about these rules can be found in the DOT Unified Agenda.

### **Federal Highway Administration**

FHWA carries out the Federal highway program in partnership with State and local agencies to meet the Nation's transportation needs. FHWA's mission is to improve continually the quality and performance of our Nation's highway system and its intermodal connectors.

Consistent with this mission, in Fiscal Year 2020, the FHWA will continue with ongoing regulatory initiatives in support of its surface transportation programs. It will also work to implement legislation in the most cost-effective way possible. Finally, it will pursue regulatory reform in areas where project development can be streamlined or accelerated, duplicative requirements can be consolidated, recordkeeping requirements can be reduced or simplified, and



the decision-making authority of our State and local partners can be increased.

### **Federal Motor Carrier Safety Administration**

The mission of FMCSA is to reduce crashes, injuries, and fatalities involving commercial trucks and buses. A strong regulatory program is a cornerstone of FMCSA's compliance and enforcement efforts to advance this safety mission. In addition to Agency-directed regulations, FMCSA develops regulations mandated by Congress, through legislation such as the Moving Ahead for Progress in the 21st Century (MAP-21) and the Fixing America's Surface Transportation (FAST) Acts. FMCSA regulations establish minimum safety standards for motor carriers, commercial drivers, commercial motor vehicles, and State agencies receiving certain motor carrier safety grants and issuing commercial drivers' licenses.

FMCSA's regulatory efforts for FY 2020 will focus on removing regulatory burdens and streamlining the grants program. For example, in March 2019, FMCSA promulgated a rule titled ELDT Class B to Class A Upgrade, which will save truck drivers more than \$250 million by making it easier (and cheaper) for a driver who already holds a Class B CDL to upgrade to a Class A CDL, without having to take the same training again. This reduces waste without affecting safety.

The Agency will revise hours of service regulations to improve operational flexibilities for motor carriers consistent with safety. In addition, FMCSA will continue to coordinate efforts on the development of autonomous vehicle technologies and review existing regulations to identify changes that might be needed.

### **National Highway Traffic Safety Administration**

The mission of NHTSA is to save lives, prevent injuries, and reduce economic costs due to roadway crashes. The statutory responsibilities of NHTSA relating to motor vehicles include reducing the number, and mitigating the effects of motor vehicle crashes and related fatalities and injuries; providing safety performance information to aid prospective purchasers of vehicles, child restraints, and tires; and improving automotive fuel efficiency requirements. NHTSA pursues

policies that enable safety technologies and encourages the development of non-regulatory approaches when feasible in meeting its statutory mandates. NHTSA issues new standards and regulations and amendments to existing standards and regulations when appropriate. It ensures that regulatory alternatives reflect a careful assessment of the problem and a comprehensive analysis of the benefits, costs, and other impacts associated with the proposed regulatory action. Finally, NHTSA considers alternatives consistent with principles in applicable executive orders.

NHTSA's regulatory priorities for Fiscal Year 2020 include continuing to coordinate efforts on the development of motor vehicles equipped with automated driving systems and reducing regulatory barriers to technology innovation. NHTSA also plans to continue issuing rulemakings and other actions that increase safety and reduce economic burden. Most prominently, NHTSA plans to seek comments on amendments to existing regulations to ensure occupant protection in the deployment of automated vehicles, particularly those that affect vehicles that may have innovative designs. In addition, working with the Environmental Protection Agency, NHTSA will amend the fuel efficiency standards and greenhouse gas emissions standards for medium and heavy-duty trailers. More information about these rules can be found in the DOT Unified Agenda.

### **Federal Railroad Administration**

FRA exercises regulatory authority over all areas of railroad safety and, where feasible, incorporates flexible performance standards. FRA's current regulatory program continues to reflect a number of pending proceedings to satisfy mandates resulting from the Rail Safety Improvement Act of 2008 (RSIA08), the Passenger Rail Investment and Improvement Act of 2008 (PRIIA), and the FAST Act. These actions support a safe, high-performing passenger rail network, address the safe and effective movement of energy products, and encourage innovation and the adoption of new technology in the rail industry to improve safety and efficiencies. FRA's regulatory priority for Fiscal Year 2020 will be to revise regulations regarding the minimum safety requirements for railroad track and rail integrity. The proposed changes would reduce unnecessary costs and incentivize innovation without reducing safety. More information about this rule is in the DOT Unified Agenda.

To foster an environment for collaborative rulemaking, FRA established the Railroad Safety Advisory Committee (RSAC). The purpose of RSAC is to develop consensus recommendations for regulatory action at FRA's request. The RSAC consultation process can result in regulations that are better understood, more cost-beneficial, and more correctly applied, because of stakeholder participation.

### **Federal Transit Administration**

The mission of FTA is to improve public transportation for America's communities. To further that end, FTA provides financial and technical assistance to local public transit systems, including buses, subways, light rail, commuter rail, trolleys and ferries, oversees safety measures, and helps develop next-generation technology research. FTA's regulatory activities implement the laws that apply to recipients' uses of Federal funding and the terms and conditions of FTA grant awards.

In addition to the Department-wide goals described above, FTA policy regarding regulations is to:

- Ensure the safety of public transportation systems;
- Provide maximum benefit to the Nation's mobility through the connectivity of transportation infrastructure;
- Provide maximum local discretion;
- Ensure the most productive use of limited Federal resources;
- Protect taxpayer investments in public transportation; and
- Incorporate principles of sound management into the grant management process.

In furtherance of its mission and consistent with statutory changes, in Fiscal Year 2020, FTA will focus on deregulatory actions. Specifically, FTA will remove duplicative or outdated rules, including the Transportation Infrastructure Management and Clean Fuels Grant Program regulations. More information about these rules can be found in the DOT Unified Agenda.

## **Maritime Administration**

MARAD administers Federal laws and programs to improve and strengthen the maritime transportation system to meet the economic, environmental, and security needs of the Nation. To that end, MARAD's efforts are focused upon ensuring a strong American presence in the domestic and international trades and to expanding maritime opportunities for American businesses and workers.

MARAD's regulatory objectives and priorities reflect the Agency's responsibility for ensuring the availability of water transportation services for American shippers and consumers and, in times of war or national emergency, for the U.S. armed forces. Major program areas include the following: Maritime Security, Voluntary Intermodal Sealift Agreement, National Defense Reserve Fleet and the Ready Reserve Force, Cargo Preference, Maritime Guaranteed Loan Financing, United States Merchant Marine Academy, Mariner Education and Training Support, Deepwater Port Licensing, Port and Intermodal Development, and Small Shipyard Grants. Additionally, MARAD administers the Deepwater Ports Program to issue licenses for Deepwater port structures located beyond the U.S. territorial sea for the import and export of oil and natural gas.

MARAD's regulatory priorities for Fiscal Year 2020 will be to continue to support the objectives and priorities described above in addition to identifying new opportunities for deregulatory action.

## **Pipeline and Hazardous Materials Safety Administration**

PHMSA has responsibility for rulemaking under two programs. Through the Associate Administrator for the Office of Hazardous Materials Safety (OHMS), PHMSA administers regulatory programs under Federal hazardous materials transportation law. Through the Associate Administrator for the Office of Pipeline Safety (OPS), PHMSA administers regulatory programs under the Federal pipeline safety laws. In addition, both offices administer programs under the Federal Water Pollution Control Act, as amended by the Oil Pollution Act of 1990.

PHMSA will continue to work toward improving safety related to transportation of hazardous materials by all transportation modes, including pipeline, while promoting economic growth,

innovation, competitiveness, and job creation. PHMSA will concentrate on the prevention of high-risk incidents identified through PHMSA's evaluation of transportation incident data. PHMSA will use all available Agency tools to assess data; evaluate alternative safety strategies, including regulatory strategies as necessary and appropriate; target enforcement efforts; and enhance outreach, public education, and training to promote safety outcomes.

Further, PHMSA will continue to focus on streamlining its regulatory system and reducing regulatory burdens. PHMSA will evaluate existing rules to examine whether they remain justified; should be modified to account for changing circumstances and technologies; or should be streamlined or even repealed. PHMSA will continue to evaluate, analyze, and be responsive to petitions for rulemaking. PHMSA will review regulations, letters of interpretation, and petitions for rulemaking, special permits, enforcement actions, approvals, international standards, and industry standards to identify inconsistencies, outdated provisions, and barriers to regulatory compliance.

In Fiscal Year 2020, OHMS will focus on one priority rulemaking. For this rulemaking, PHMSA, in coordination with FRA, is proposing changes to the Hazardous Materials Regulations to allow for the bulk transport of Methane, refrigerated liquid, commonly known as liquefied natural gas (LNG), in rail tank cars. This rulemaking, titled "Hazardous Materials: Liquefied Natural Gas by Rail" (2137-AF40), proposes to authorize the transportation of Methane, refrigerated liquid by rail in the DOT-113C120W specification rail tank car.

OPS will focus on three pipeline rules. The first rulemaking will propose to revise the Pipeline Safety Regulations applicable to newly constructed or entirely replaced natural gas transmission and hazardous liquid pipelines to improve rupture mitigation and shorten pipeline segment isolation times (Pipeline Safety: Rupture Detection and Valves, 2137-AF06). The second rulemaking will propose to provide regulatory relief to certain pipeline operators that experience a reduction in allowable operating pressure due to construction that has occurred in the area (Pipeline Safety: Class Location Requirements, 2137-AF29). The third rulemaking will propose to update and revise the regulations for liquefied natural gas facilities, detailed in 49 CFR part 193 (Pipeline Safety: Amendments to Liquefied Natural Gas Facilities, 2137-AF45).

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